

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/526,697

Confirmation No. 9619

Applicant: Mark E. DUDLEY et al.

Filed: May 5, 2005

TC/AU: 1644

Examiner: Michail A. Belyavskyi

Docket No.: 233876 (DHHS Reference No. E-275-2002/1-US-02)

Customer No.: 45733

**NOTICE OF APPEAL FROM THE
EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed December 17, 2008, rejecting the following claims: 23-40.

1. Pre-Appeal Brief Request for Review

A "Pre-Appeal Brief Request for Review" is
 filed concurrently herewith or is not being filed.

2. Status of Applicants

This application is on behalf of other than a small entity or a small entity.

3. Fee for Filing Notice of Appeal

Pursuant to 37 CFR 41.20(b), the fee for filing the Notice of Appeal is for:
 other than a small entity or a small entity.

Notice of Appeal Fee due \$540.00

4. Extension of Time

Applicants petition for a two-month extension of time under 37 CFR 1.136, the fee for which is \$490.00.

An extension for one-month has already been secured and the fee paid therefore of \$ 0.00 is deducted from the total fee due for the total amounts of extension now requested.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Extension fee due with this request: \$490.00

5. Total Fee Due

The total fee due is:

Notice of Appeal Fee	\$540.00
Extension Fee (if any)	\$490.00

Total Fee Due: \$1030.00

6. Fee Payment

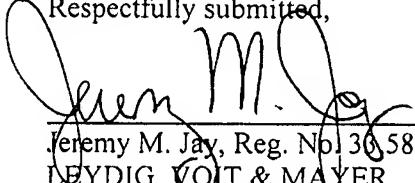
Attached is a check in the sum of

Charge Account No. 12-1216 the sum of \$1030.00.

7. Fee Deficiency

If any additional fee is required in connection with this communication, charge Account No. 12-1216.

Respectfully submitted,



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Date: 14 May 2009

Appeal Notice (JMJ/SML/mig)